

# MEMORANDUM

Agenda Item No.11(A) (25)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

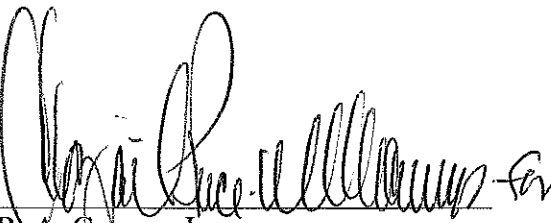
**DATE:** October 2, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution directing the  
Mayor to take all necessary  
actions to implement the 401(a)  
plan recommended in his  
July 3, 2012 Report

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/smm

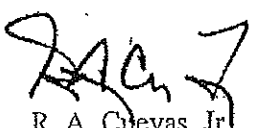


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 2, 2012

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 11(A) (25)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A) (25)

10-2-12

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE MAYOR TO TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THE 401(a) PLAN RECOMMENDED IN HIS JULY 3, 2012, REPORT INCLUDING ISSUING A SOLICITATION FOR A COMPETITIVE SELECTION PROCESS WITHIN 60 DAYS TO PROVIDE COUNTY EMPLOYEES WITH THE OPPORTUNITY TO PARTICIPATE IN A 401(a) PLAN FOR TERMINAL LEAVE PAYOUTS

**WHEREAS**, County employees that separate from County service receive a payout of accrued sick and annual leave as a lump sum which may create significant federal tax liability for employees in the year they separate from County service; and

**WHEREAS**, it appears that there are companies that provide plans for the payout of accrued sick and annual leave that convert accumulated leave to either a tax qualified retirement plan or a post retirement medical trust that will benefit separating employees by deferring taxes or receiving the funds tax free in the case of the medical trust; which will benefit separating employees at no extra cost to the County; and

**WHEREAS**, in light of the significant wage concessions made by County employees over the last few years, it is in the best interest of the County to mitigate such economic hardship on employees especially if it comes at no additional cost to the County; and

**WHEREAS**, on March 6, 2012, this Board adopted Resolution R-250-12 directing the Mayor to evaluate options for plans that minimize federal tax liability of separating County employees as a result of terminal leave payouts; and

**WHEREAS**, on July 3, 2012, in response to the R-250-12, the Mayor issued a report that included the recommendation from the County's consultant, Gallagher Benefits Services, Inc., that the best type of plan for terminal leave payouts was a Medical Trust Plan and 401(a) plan,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the Mayor is hereby directed to take all necessary actions to implement the Medical Trust Plan and 401(a) plan recommended in his July 3, 2012, report including issuing a solicitation for a competitive selection process within 60 days to provide County employees with the opportunity to participate in a Medical Trust Plan and 401(a) plan for terminal leave payouts.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Eric A. Rodriguez